

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking Regarding the
Implementation of the Suspension of Direct
Access Pursuant to Assembly Bill 1X and
Decision 01-09-060.

Rulemaking 02-01-011
(Filed January 9, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING
TEMPORARILY SUSPENDING SCHEDULE
FOR ADVICE LETTER PROTESTS**

This ruling is issued in response to a letter sent on September 19, 2005, by legal counsel for the California Municipal Utilities Association (CMUA) to Assigned Commissioner Geoffrey Brown and assigned Administrative Law Judge (ALJ) Thomas Pulsifer seeking an expedited ruling or letter providing guidance as to the manner in which the Commission intends to address new or updated advice letter filings in the municipal departing load (MDL) phase of this proceeding. CMUA also served a copy of the letter on parties to the service list in this proceeding.

In particular, CMUA requests an extension in time for the filing of protests to Pacific Gas and Electric Company's (PG&E) Advice Letter 2433-E-C to coincide with protests of other investor-owned utilities advice letter filings. This Advice Letter, filed on September 2, 2005, proposes to implement tariff changes relating to MDL billings. CMUA argues, however, that before filing an advice letter, PG&E had been directed by previous ALJ rulings to wait for subsequent action by the Commission on relevant issues relating to the billing, collection, and accounting of cost responsibility surcharge (CRS) revenue for MDL customers.

CMUA asks therefore that PG&E be required to withdraw Advice Letter 2433-E-C and resubmit it following a yet-to-be prescribed process for addressing MDL advice letter filings on a coordinated basis among the three investor-owned utilities.

Discussion

Other parties should be permitted to file responses to the CMUA request. On the other hand, because CMUA sent its letter close to the due date for protests on the PG&E Advice Letter, there would not be sufficient time for responses to be prepared and considered before such protests are due. Accordingly, the due date for protests to the PG&E Advice Letter 2433-E-C shall be temporarily suspended pending the opportunity for other parties to respond to the proposal in the CMUA letter. Responses shall be due by September 28, 2005. A further ruling regarding the issues raised in the CMUA letter shall be issued after receipt of parties' responses.

IT IS RULED that:

1. The schedule is temporarily suspended for the filing of protests to PG&E's Advice Letter 2433-E-C.
2. Parties seeking to respond to the proposal in the CMUA letter shall do so by September 28, 2005.
3. A further ruling regarding the issues raised in the CMUA letter shall be issued after receipt of parties' responses.

Dated September 20, 2005, at San Francisco, California.

/s/ THOMAS R. PULSIFER

Thomas R. Pulsifer
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Temporarily Suspending Schedule for Advice Letter Protests on all parties of record in this proceeding or their attorneys of record.

Dated September 20, 2005, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.